

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 3:22-cr-35
)	
KORTNEY THOMAS KELLEY,)	
)	
Defendant.)	

**GOVERNMENT'S RESPONSE IN SUPPORT OF THE DEFENDANT'S POSITION
THAT THE DEFENDANT IS COMPETENT TO STAND TRIAL**

The United States of America, through undersigned counsel, submits the following response in support of the defendant's Position that Mr. Kelley is Competent to Proceed (ECF No. 26). Based on the findings of the Court-appointed psychiatric examiner and statements by the defense, both concluding that KORTNEY THOMAS KELLEY is competent to stand trial, the Court should find the defendant competent to stand trial.

On May 31, 2022, the government moved this Court to appoint an independent psychiatric examiner to perform a competency examination of the defendant, KORTNEY THOMAS KELLEY. ECF No. 19. On June 2, 2022, the Court vacated trial deadlines, set a competency hearing for the defendant on September 6, 2022 at 11:00 a.m., and appointed psychiatric examiner Dr. Evan Nelson to perform a competency examination of the defendant. ECF No. 22. Dr. Nelson completed his psychiatric examination of the defendant on July 18, 2022, finding that the defendant is competent to proceed to trial and "possessed a rational and adequately factual understanding of a trial and the roles of courtroom personnel and possessed the capacity to assist counsel in preparing a defense." Moreover, on August 4, 2022, the defense

